

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHANCHAI TARANURUKKUL,)	CASE NO. 8:08CV276
)	
Plaintiff,)	
)	
v.)	ORDER
)	
LINCOLN NATIONAL CORPORATION,)	
Parent Company of and d/b/a in the)	
State of Nebraska as Lincoln Financial)	
Group, and JEFFERSON-PILOT)	
CORPORATION, Parent Company of)	
Jefferson-Pilot Financial, a group of)	
companies merged with and n/k/a)	
Lincoln National Corp.,)	
)	
Defendants.)	

This matter is before the Court on the Plaintiff's Motion for Leave to File Out of Time (Filing No. 17) and the Plaintiff's Objection to Defendant's Motion to Dismiss and/or Strike (Filing No. 18).

The Court construes the Plaintiff's Motion (Filing No. 17) as one requesting leave to file a brief in response to the Defendants' Motion to Dismiss and/or Strike out of time.¹ Although the Plaintiff offers no reason for his failure to file his opposing brief in a timely manner, the motion was filed one day after the expiration of the response deadline, and the Court will grant the motion, admonishing counsel to observe future filing deadlines.

The Court will direct the Clerk of the Court to strike Plaintiff's Objection (Filing No. 18) as it is an improper response to the Defendants' Motion to Dismiss and/or Strike pursuant to NECivR 7.1(b).

¹The Plaintiff requests leave to file an Objection and reply to the Defendant's Motion. The Court directs Plaintiff's counsel to NECivR 7.1(b) for guidance as to the appropriate procedure for opposing a motion.

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion to File Out of Time, as construed by the Court, (Filing No. 17) is granted;
2. The Clerk of the Court is directed to strike Filing No. 18;
3. Plaintiff shall file his brief in opposition to the Defendants' Motion to Dismiss and/or Strike (Filing No. 12) in compliance with NECivR 7.1(b) on or before October 29, 2008; and
4. Defendants shall file their reply, if any, within the time allowed by NECivR 7.1(c).

DATED this 24th day of October, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge